IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

CONTEMPT PETITION NO.440 OF 2004

Shri.Shrikant Ramchandra Kulkarni ..Petitioner

Vs.

University of Pune and Anr. ..Respondents

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Mr.S.B.Deshmukh with Mrs.Vinita
V.Bakre-Shastry for Petitioner
Mrs.M.G.Kulkarni for Respondent nos.1 and 2

...

CORAM : B.H.MARLAPALLE,J.

DATE : MAY 6,2005

P.C.:

1. Affidavit in reply filed by the Respondent nos.1 and 2, states that an amount of Rs.49,846/- was paid to the Petitioner towards the encashment of earned leave as per the revised pay-scale vide cheque No. 880874 dated 6.11.2004 and the Petitioner has acknowledged the receipt. Another amount of Rs.1,69,001/- was paid to the Petitioner vide cheque No.906997 dated 8.2.2005 after deducting the income tax amount of Rs.73,055/-, profession tax amount of Rs.785/- and the surcharge of Rs.1461/- from the total amount of Rs.2,42,302/-. The Respondent-University has thus released the payment of Rs.2,94,148/- from the University funds after computing the benefits available to the Petitioner.

2. Under these circumstances, there is no prima facie case for taking cognizance for contempt of Court within the meaning of Section 2(b) of the Contempt of Courts Act, 1971. The order dated 2.7.2004 passed in W.P.No. 274 of 1994 has been complied with and if there is any dispute regarding the amount paid, the Petitioner may have other remedy. There is no case, prima facie, of wilful disobedience of the order passed by this Court, hence, the Contempt Petition is rejected.

[B.H.MARLAPALLE,J.]